



February 10, 2015

HOUSE BILL No. 1453

DIGEST OF HB 1453 (Updated February 9, 2015 12:55 pm - DI 109)

Citations Affected: IC 14-8; IC 14-22.

Synopsis: Hunting preserves. Provides for the licensing and operation of hunting preserves on which farm raised and released cervidae are hunted. Establishes licensing requirements, inspection requirements, and fees. Exempts licensed hunting preserves from the licensing requirements for game breeders and shooting preserves. Provides that hunters on hunting preserves are not required to have a hunting license and are not subject to bag limits. Requires that a transportation tag be purchased and fixed to each cervidae taken on a hunting preserve. Prohibits computer assisted remote hunting on hunting preserves.

Effective: July 1, 2015.

Eberhart, Leonard, Ober, Lehe

January 14, 2015, read first time and referred to Committee on Natural Resources.
February 10, 2015, amended, reported — Do Pass.

HB 1453—LS 7341/DI 77



February 10, 2015

First Regular Session of the 119th General Assembly (2015)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2014 Regular Session and 2014 Second Regular Technical Session of the General Assembly.

HOUSE BILL No. 1453

A BILL FOR AN ACT to amend the Indiana Code concerning natural and cultural resources.

Be it enacted by the General Assembly of the State of Indiana:

- 1 SECTION 1. IC 14-8-2-37.6, AS ADDED BY P.L.93-2005,
2 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
3 JULY 1, 2015]: Sec. 37.6. "Cervidae", for purposes of IC 14-22-20.5
4 has the meaning set forth in ~~IC 14-22-20.5-1.~~ and **IC 14-22-20.7,**
5 **means privately owned members of the cervidae family, including**
6 **deer, elk, moose, reindeer, and caribou.**
7 SECTION 2. IC 14-8-2-128.3 IS ADDED TO THE INDIANA
8 CODE AS A **NEW** SECTION TO READ AS FOLLOWS
9 [EFFECTIVE JULY 1, 2015]: **Sec. 128.3. "Hunting preserve", for**
10 **purposes of IC 14-22-20.7, has the meaning set forth in**
11 **IC 14-22-20.7-1.**
12 SECTION 3. IC 14-8-2-195 IS AMENDED TO READ AS
13 FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 195. "Owner" has the
14 following meaning:
15 (1) For purposes of IC 14-11-4, the meaning set forth in

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- 1 IC 14-11-4-2.
- 2 (2) For purposes of IC 14-15, a person who has the legal title to
- 3 a watercraft.
- 4 (3) For purposes of IC 14-16-1, the meaning set forth in
- 5 IC 14-16-1-6.
- 6 **(4) For purposes of IC 14-22-20.7, the meaning set forth in**
- 7 **IC 14-22-20.7-2.**
- 8 ~~(4)~~ (5) For purposes of IC 14-25-4, the meaning set forth in
- 9 IC 14-25-4-4.
- 10 ~~(5)~~ (6) For purposes of IC 14-27-7, the meaning set forth in
- 11 IC 14-27-7-1.
- 12 ~~(6)~~ (7) For purposes of IC 14-27-7.5, the meaning set forth in
- 13 IC 14-27-7.5-4.
- 14 ~~(7)~~ (8) For purposes of IC 14-36, the term includes the following:
- 15 (A) Owners in fee.
- 16 (B) Life tenants.
- 17 (C) Tenants for years.
- 18 (D) Holders of remainder of reversionary interests.
- 19 (E) Holders of leaseholds or easements.
- 20 (F) Holders of mineral rights.
- 21 ~~(8)~~ (9) For purposes of IC 14-37, a person who has the right to
- 22 drill into and produce from a pool and to appropriate the oil and
- 23 gas produced from the pool for:
- 24 (A) the person or others; or
- 25 (B) the person and others.
- 26 ~~(9)~~ (10) For the purposes of IC 14-22-10-2, the meaning set forth
- 27 in IC 14-22-10-2(c).
- 28 SECTION 4. IC 14-8-2-200.5 IS ADDED TO THE INDIANA
- 29 CODE AS A NEW SECTION TO READ AS FOLLOWS
- 30 [EFFECTIVE JULY 1, 2015]: **Sec. 200.5. "Permitted animal", for**
- 31 **purposes of IC 14-22-20.7, has the meaning set forth in**
- 32 **IC 14-22-20.7-3.**
- 33 SECTION 5. IC 14-22-20-1 IS AMENDED TO READ AS
- 34 FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 1. **(a) The owner of a**
- 35 **hunting preserve licensed under IC 14-22-20.7 is not required to**
- 36 **obtain a game breeders license under this section.**
- 37 **(b)** The department may, under rules adopted under IC 4-22-2, issue
- 38 to a resident of Indiana, upon the payment of a fee of fifteen dollars
- 39 (\$15), a license to:
- 40 (1) propagate in captivity; and
- 41 (2) possess, buy, or sell for this purpose only;
- 42 game birds, game mammals, or furbearing mammals protected by



Indiana law.

SECTION 6. IC 14-22-20.7 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]:

Chapter 20.7. Cervidae Hunting Preserves

Sec. 1. As used in this chapter, "hunting preserve" means an area of land where permitted animals are hunted.

Sec. 2. As used in this chapter, "licensed owner" means an owner of a hunting preserve who holds a license issued under this chapter.

Sec. 3. As used in this chapter, "permitted animal" means farm raised and released cervidae.

Sec. 4. (a) The department shall issue an initial hunting preserve license to a person who:

- (1) owned and operated a hunting preserve in Indiana before December 31, 2014;
- (2) meets the requirements set forth in this chapter; and
- (3) pays a fee of two thousand dollars (\$2,000).

(b) A person seeking a hunting preserve license under this section must provide documentation to the department necessary to establish:

- (1) proof of the person's ownership of a hunting preserve in Indiana before December 31, 2014; and
- (2) proof that the person's hunting preserve was in operation before December 31, 2014.

(c) A hunting preserve license issued under this section may not be transferred or assigned. If a person acquires a hunting preserve through a sale, a lease, or a change in ownership of the hunting preserve, the person shall:

- (1) obtain a hunting preserve license from the department; and
- (2) meet the requirements set forth in this chapter; before maintaining or operating the hunting preserve.

(d) The department shall annually renew the hunting preserve license of a person who:

- (1) meets the requirements set forth in this chapter; and
- (2) pays an annual fee of two thousand dollars (\$2,000).

(e) All fees collected under this section must be distributed as follows:

- (1) Fifty percent (50%) to the department.
- (2) Fifty percent (50%) to the Indiana board of animal health.

The fees must be used to pay necessary expenses incurred in



administering this chapter.

Sec. 5. Permitted animals (including their products) that are:

(1) raised on a farm in Indiana; or

(2) legally:

(A) acquired in Indiana; or

(B) imported into Indiana;

in compliance with applicable Indiana board of animal health laws and rules;

are the property of the licensed owner of the hunting preserve containing the permitted animals.

Sec. 6. (a) A hunting preserve must provide sufficient space and cover to allow permitted animals the opportunity to elude hunters.

(b) A hunting preserve that allows hunting for cervidae must meet the following requirements:

(1) The hunting preserve must contain at least one hundred (100) acres in the area where cervidae are hunted.

(2) The hunting preserve must be enclosed by a fence that is at least eight (8) feet in height and not more than six (6) inches above the ground.

(3) Reasonable efforts must be made to clear the hunting preserve of wild deer.

(4) The hunting preserve may not be bisected by a public road, fencing, or any other barrier.

(5) The fence enclosing the hunting preserve must be marked with signs that meet the specifications of the department.

(6) The hunting preserve must pass a site inspection by the department and the Indiana board of animal health.

Sec. 7. If a cervidae escapes from a hunting preserve, the owner must report the escape to the department within twenty-four (24) hours after the escape is discovered.

Sec. 8. The owner of a hunting preserve may not release a privately owned cervidae into the wild.

Sec. 9. (a) A person who takes or hunts a permitted animal on a hunting preserve is not required to have a hunting license.

(b) The department shall provide the licensed owner of a hunting preserve either a transportation tag or a cull tag for every cervidae taken on the hunting preserve. The licensed owner shall pay the department a fee of fifty dollars (\$50) per buck and twenty-five dollars (\$25) per doe for each transportation tag. The department shall provide cull tags to the licensed owner of a hunting preserve without charge.

(c) The owner of a hunting preserve shall cause a transportation



1 tag to be affixed to each cervidae taken on the hunting preserve.

2 (d) An individual may not transport or possess a cervidae taken
3 from a hunting preserve without a transportation tag.

4 (e) The transportation tag affixed to a cervidae taken on a
5 hunting preserve under subsection (c) is considered to be the bill of
6 sale for the sale of the cervidae by the owner of the hunting
7 preserve to the hunter.

8 (f) An owner of a hunting preserve is not required to purchase
9 a transportation tag for cervidae culled by the owner from the
10 hunting preserve and transported directly for personal
11 consumption, or to a butcher or charity. However, the owner shall
12 cause a cull tag to be affixed to each cervidae culled by the owner.

13 Sec. 10. (a) A licensed owner of a hunting preserve must keep
14 records of:

15 (1) the number of each permitted animal species purchased
16 for the hunting preserve;

17 (2) the number of each species harvested in the hunting
18 preserve; and

19 (3) the full name and address of each hunter who takes a
20 permitted animal in the hunting preserve.

21 (b) All information required by this chapter must be recorded
22 on forms supplied by the department. The records must be
23 maintained for a period of two (2) years and must be open for
24 inspection by employees of the department and the Indiana board
25 of animal health during regular business hours.

26 Sec. 11. (a) Permitted animals may be hunted on a hunting
27 preserve licensed under this chapter between one-half (1/2) hour
28 before sunrise and one-half (1/2) hour after sunset, but only from
29 August 15 through April 15.

30 (b) For permitted animals taken on the hunting preserve there
31 is not a bag limit, and both male and female animals may be taken.

32 (c) A licensed owner may charge fees for hunting on the hunting
33 preserve that reflect the class of animal hunted.

34 Sec. 12. (a) Only weapons that may legally be used in hunting on
35 other property in Indiana may be used in hunting on a hunting
36 preserve.

37 (b) A hunting preserve may not allow computer assisted remote
38 hunting.

39 Sec. 13. The department may not adopt rules that have the effect
40 of prohibiting or of unreasonably restricting the operation of a
41 hunting preserve.

42 SECTION 7. IC 14-22-31-0.5 IS ADDED TO THE INDIANA



1 CODE AS A NEW SECTION TO READ AS FOLLOWS
2 [EFFECTIVE JULY 1, 2015]: **Sec. 0.5. This chapter does not apply**
3 **to a hunting preserve licensed under IC 14-22-20.7.**



COMMITTEE REPORT

Mr. Speaker: Your Committee on Natural Resources, to which was referred House Bill 1453, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 1, delete lines 7 through 11.

Page 3, line 16, delete "the" and insert **"farm raised and released cervidae."**

Page 3, delete lines 17 through 20.

Page 3, between lines 22 and 23, begin a new line block indented and insert:

"(1) owned and operated a hunting preserve in Indiana before December 31, 2014;

(2) meets the requirements set forth in this chapter; and

(3) pays a fee of two thousand dollars (\$2,000).

(b) A person seeking a hunting preserve license under this section must provide documentation to the department necessary to establish:

(1) proof of the person's ownership of a hunting preserve in Indiana before December 31, 2014; and

(2) proof that the person's hunting preserve was in operation before December 31, 2014.

(c) A hunting preserve license issued under this section may not be transferred or assigned. If a person acquires a hunting preserve through a sale, a lease, or a change in ownership of the hunting preserve, the person shall:

(1) obtain a hunting preserve license from the department; and

(2) meet the requirements set forth in this chapter; before maintaining or operating the hunting preserve."

Page 3, delete lines 23 through 30.

Page 3, line 31, delete "(b)" and insert **"(d)"**.

Page 3, line 34, delete "hundred fifty dollars (\$250)." and insert **"thousand dollars (\$2,000)."**

Page 3, between lines 34 and 35, begin a new paragraph and insert:

"(e) All fees collected under this section must be distributed as follows:

(1) Fifty percent (50%) to the department.

(2) Fifty percent (50%) to the Indiana board of animal health.

The fees must be used to pay necessary expenses incurred in administering this chapter."

Page 4, line 6, delete "If a person begins to operate a preserve after



December" and insert **"The hunting preserve must contain at least one hundred (100) acres in the area where cervidae are hunted."**

Page 4, delete lines 7 through 8.

Page 4, line 9, delete "preserve" and insert **"hunting preserve"**.

Page 4, line 12, delete "preserve" and insert **"hunting preserve"**.

Page 4, line 14, delete "preserve" and insert **"hunting preserve"**.

Page 4, line 14, delete " road or" and insert **"road, fencing, or any other barrier."**

Page 4, delete line 15.

Page 4, line 16, delete "preserve" and insert **"hunting preserve"**.

Page 4, between lines 17 and 18, begin a new line block indented and insert:

"(6) The hunting preserve must pass a site inspection by the department and the Indiana board of animal health."

Page 4, delete lines 18 through 26.

Page 4, line 27, delete "8." and insert **"7."**

Page 4, line 30, delete "9." and insert **"8."**

Page 4, line 32, delete "10." and insert **"9."**

Page 4, line 42, delete "a leg of".

Page 5, line 4, delete "The owner of a hunting preserve shall provide each hunter".

Page 5, delete line 5.

Page 5, line 6, delete "hunting preserve."

Page 5, line 6, delete "leg of a".

Page 5, line 14, delete "a leg of".

Page 5, line 16, delete "11." and insert **"10."**

Page 5, line 29, delete "12." and insert **"11."**

Page 5, line 37, delete "13." and insert **"12."**

Page 5, between lines 41 and 42, begin a new paragraph and insert:

"Sec. 13. The department may not adopt rules that have the effect of prohibiting or of unreasonably restricting the operation of a hunting preserve."

Renumber all SECTIONS consecutively.

and when so amended that said bill do pass.

(Reference is to HB 1453 as introduced.)

EBERHART

Committee Vote: yeas 8, nays 4.

